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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,555	05/02/2001	Rodger P. Wilson	P5755	5976
22835	7590	12/15/2004	EXAMINER	
PARK, VAUGHAN & FLEMING LLP 508 SECOND STREET SUITE 201 DAVIS, CA 95616			WRIGHT, NORMAN M	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,555

Applicant(s)

WILSON, RODGER P.

Examiner

Norman M. Wright

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-16, 22-32 and 38-48 is/are allowed.
- 6) ☒ Claim(s) 1-5, 17-21 and 33-37 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 20, 21, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The examiner requests, in response to this Office action, any reference(s) known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent and dependent claims. That is, any prior art (including any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. This request does not require applicant to perform a search. This **request** is not intended to interfere with or go beyond that **required** under 37 C.F.R. 1.56 or 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request.

In the event prior art documentation is submitted, a discussion of relevant passages, figs. etc. with respect to the claims is requested. The examiner is looking for specific references to 102/103 prior art that identify independent and dependent claim limitations. Since applicant is most knowledgeable of the present invention and submitted art, his/her discussion of the reference(s) with respect to the instant claims is essential. **A response to this inquiry is greatly appreciated.**

The examiner also requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is,

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indicate support for newly added claim language by specifically pointing to page(s) and line no(s). in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 17-21 and 33-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1-5, 17-21 and 33-37, they recite a method for encrypting and decrypting data pages in memory and then swapping them to either a non-volatile or volatile memory. The phraseology is not clearly understood. Is applicant asserting that the result of a process yields data the is to be stored in a particular memory or that the encrypting and decrypting of the data takes place in memory? This is also how the specification is written, correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 17-19, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, hereinafter 'aapa, in view of Austin, U.S. Pat. No. 5,388,157, hereinafter '157.

6. As they are understood, claims 1, 17, and 33, 'aapa discloses that it is known in the art to utilize volatile and non volatile memory storage devices to swap file information via a virtual addressing, and that the file exchange is from volatile to non volatile storage, see aapa at page 1, lines 13 et seq. Aapa fails to teach encrypting the data before sending it to the non-volatile storage, and decrypting it before passing it on to the volatile storage. '157 teaches a method and device for performing the encryption and decryption functions, abs., fig. 1, col. 1, lines 9-25, and col. 2, lines 30 et seq.. It would have been obvious to one of ordinary skill in the art at the time of the invention, to augment aapa with a device that stores the encrypted data in a NV store, such as the one disclosed by '157. One of ordinary skill in the art would have been motivated to perform such a modification, because, '157 teaches that the data which is transferred to and from memory devices may contain sensitive information that may be compromised (col. 1, lines 19-30). Therefore, a person of ordinary skill in the art with a desire to take actions to prevent this security weakness, and thus looked to a device such as '157 to solve the problem.

As to claims 2-3, 18-19 and 34-35, '157 teach the use of encrypting and decrypting code (col. 1, lines 35-45 et seq.), an encryption key/public and a decryption/private key (col. 2, lines 57-col. 3, lines 40 et seq.).

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Allowable Subject Matter

7. Claims 4-5, 20-21, and 36-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 6-16, 22-32 38-48 are allowed.


9. The following is a statement of reasons for the indication of allowable subject matter: a search of the prior art fails to teach or render as obvious the claims as a whole and of particular note: the features of a group having a list of identifiers which respectively have their identifiers in a first and second encrypted code, as recited in claims 6 and 22. Or the erasure of an encrypted code when a program boots, as recited in claims 13, 29, 38, and 45.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman Wright whose telephone number is (751) 272-3844. The examiner can normally be reached on Mondays - Thursdays from 9am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (571) 272-3838. The fax phone


NORMAN M. WRIGHT
PRIMARY EXAMINER